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REMARKS

Reconsideration of the present application is respectfully requested. The application includes 17 claims, although the Office Action indicates only 16 claims. The published application identifies claims 1-11 and 13-17, while the missing claim 12 was added by preliminary amendment. Claim 17 is similar to claim 11, so it is presumed that the rejection of that claim would have been carried to claim 17.

Applicant has amended paragraph 41 of the specification to correct a clerical error. No new matter has been inserted. Applicant has also amended claim 4 to correct a capitalization problem.

Claims 1-16 were rejected in view of the primary reference of Apelman, U.S. Patent No. 6,489,895. Claims 1, 3-7, 9-12 and 15-16 were rejected as anticipated, while claim 2 was rejected in view of a combination with Fisher et al, and claims 8 and 13 were rejected as obvious in view of a combination with Hwang et al. For the reasons set forth below, it is believed that these rejections fail because the primary reference does not disclose all of the elements of Applicant's claimed invention.

Looking first at claim 1, this claim requires a manual switch for opening or closing the shut-off valve interposed in the utility inlet line. The claim further defines that a wireless transmitter is connected to the manual switch and is configured to generate a transmitted signal corresponding to the state of the manual switch. These features are not disclosed in the Apelman reference. At col. 7, lines 24-37 of the Apelman patent, it is suggested that the master controller includes TRIP and RESET buttons for use in testing the system. This excerpt indicates that the TRIP button can shut off the incoming water. However, Apelman does not disclose, either in written description or in the figures, that the TRIP button is connected to the water cutoff valve (10 in FIG. 1 or 21 in FIG. 2).

More significantly, Apelman does not disclose connecting a wireless transmitter to the manual switch. As explained in the present application, one feature of Applicant's claimed invention is the ability for a building owner to

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remotely close the utility inlet valve when he/she leaves the premises for an extended period of time. The Apelman patent does not contemplate or suggest this feature, and is instead limited to a leak sensing system. Since the Apelman TRIP/RESET feature is only described for testing the system, Apelman does not, and need not, contemplate incorporating any wireless transmission feature to perform this test.

In accordance with the invention of claim 1, the requirement that the wireless transmitter be associated with the manual switch allows the wireless receiver associated with the valve to be isolated, such as under the building foundation, to prevent tampering with the valve. Moreover, the wireless transmission capability defined in claim 1 allows the building occupant to close the utility line valve outside the premises. Even assuming that Apelman discloses a manual shut-off capability, it does not disclose the remote wireless characteristic of that manual shut-off that is set forth in Applicant's claim 1. Consequently, it is believed that claim 1, along with its dependent claims 2-11, are patentable over the art of record.

Claim 2 was rejected as obvious in view of the combination of Apelman and Fisher et al. The Fisher patent discloses a urine detector that includes a garage door opener type sensor and transmitter worn by a patient. Fundamentally, the Fisher patent is directed to a non-analogous art. Urine detection for bed-ridden patients is not related to protecting a building. The fact that Applicant's invention and the Fisher device both relate to fluid detection is not sufficient to bring the Fisher patent within the realm of what a person in the building protection art would consider.

Moreover, Fisher does not actually disclose a hand-held remote control unit, as set forth in Applicant's claim 2. The clip-on devices shown in FIGS. 5 or 8 simply transmit an alarm signal when a body fluid is detected. See, col. 8, lines 36-52. These clip-on devices are not hand-held, and more importantly they do not carry a manual switch of any type, let alone a manual switch for shutting off the supply of fluids. Since the Fisher devices are urine or body fluid detectors,

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there is nothing to manually shut off and consequently there is nothing in the Fisher patent to suggest providing the hand-held remote control switch and transmitter defined in Applicant's claim 2. Therefore, it is believed that claim 2 is patentable on its own merits.

With respect to independent claim 12, Applicant has amended this claim to incorporate the temperature sensing feature recited in now cancelled dependent claim 15. This temperature sensing capability is in addition to a leak sensing feature for the system. As explained in the present application, the temperature sensing feature provides an early warning of a potentially dangerous condition – i.e., a risk that water pipes will burst due to freezing temperatures, or that gas lines will explode due to a high temperature condition. None of the references of record, including the Apelman patent, disclose or contemplate a temperature sensing feature as recited in Applicant's claim 12. The Apelman and Hwang patents are only concerned with leak detection. The Thiessen et al. patent does disclose the use of a temperature sensor, but does not disclose a wireless system for closing the utility inlet line valve. Consequently, it is believed that claim 12 and its dependent claims 13-17 are patentable over the art of record.

Reconsideration of the present application as amended is solicited. It is believed that this application, including claims 1-14 and 16-17, is in condition for allowance, and action toward that end is requested. The Examiner is invited to contact the undersigned agent of record if it is believed that a telephonic interview will help place this case in condition for allowance.

Respectfully submitted,



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